

PERS 74-5448

4 SEP 1979

MEMORANDUM FOR THE RECORD

STATINTL FROM :
Assistant Legislative Counsel

SUBJECT : Authorization Bills - Update

STATE DEPARTMENT AUTHORIZATION: H.R. 3363

--House-Senate Conference action completed 2 August.

--Conference Report subsequently approved by voice vote in both Houses and signed into law by the President.

--Key Provisions:

(a) Conferees receded from an amendment sponsored by Senator Zorinsky (D., Neb.) which would have required the Assistant and Deputy Assistant to the President for National Security Affairs to be appointed by and with the advice and consent of the Senate; notwithstanding the recession, the Conference Committee in its report made its opinion on this matter abundantly clear:

--to wit, "...it is essential that the Sec. State be perceived clearly to be the principal officer other than the President with responsibility for formulation and implementation of foreign policy.";

--to wit, while the President should have appropriate personal staff help in the White House, "[o]fficers who...enunciate and shape U.S. foreign policy must be accountable to Congress."; and,

--to wit, "...a thorough review by both the Congress and the Executive of the function of the NSC structure and the specific role of the Assistant to the President for National Security Affairs is necessary and should be conducted in the near future." [Reference: Tab A]

(b) Dependent Educational Travel: conferees deleted a Senate provision which would have provided two, rather than one, annual round trips from the U.S. for dependents of State and International Communication Agency employees, who are obtaining an undergraduate college education, and whose parents are serving overseas; Conference Committee rationale: the International Development Cooperation Act (H.R. 3324) contains a similar provision which covers State, ICA and AID. (see below) [Reference: Tab B]

(c) Improvement in Foreign National Pay Plans: Conferees adopted a Senate amendment expressing the sense of Congress that improved coordination and greater uniformity in foreign national pay plans (through regulations prescribed by the Sec. State) between State/ DOD and "other departments and agencies of the [U.S.] operating outside the [U.S.]... " should be striven for. [Reference: Tab C]

Note: Sense of Congress merely expresses "opinion" of Congress; it has no legal force.

(d) United States Citizens Abroad: the conferees adopted a Senate amendment to Section 611 of the Foreign Relations Authorization Act, FY 79, a Presidential reporting requirement relating to U.S. laws discriminating against U.S. citizen abroad. [Reference: Tab D]

INTERNATIONAL DEVELOPMENT COOPERATION ACT OF 1979

--House-Senate Conference action complete.

--Conference Report No. 96-397 approved by both Houses.

--President signed bill into law 14 August.

Key Provision: Dependent Educational Travel - Amends 5 U.S.C. Paragraph 5924(4)(B) to allow rather than one annual trip each way for State and USIA employee-dependents the following:

--one annual trip each year for State, ICA and AID employee-dependents travelling to obtain secondary education; and

--two annual trips each year for State, ICA and AID employee-dependents to obtain undergraduate college education. [Reference: Tab E]

INTELLIGENCE AUTHORIZATION BILL

--Authorization Bill has passed both House and Senate.

--Conferees have been named but no conference date set as of this writing.

Note: Senate version contains an amendment to 5 U.S.C. Paragraph 5924(4)(B) which would extend "Educational Travel" benefits authorized therein to CIA and NSA. There appears to be no House opposition to the retention of the Senate amendment at conference. Should the Conference Committee adopt the Senate amendment, CIA employee-dependents will be able to take advantage of the travel benefits described above under the International Development Cooperation Act of 1979. [Reference: Tab F]

STATINTL

References

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STATINTL

~~MORATORIUM ON THE COMMERCIAL KILLING OF WHALES~~

~~The Senate amendment stated several findings of the Congress with respect to the commercial killing of whales and urged the International Whaling Commission and all whaling nations to recognize and comply voluntarily with a moratorium on the commercial killing of whales as endorsed by the United Nations Conference on the Human Environment and the United Nations Governing Council for Environment Programs.~~

~~The House bill did not contain a comparable provision.
The conference substitute is identical to the Senate provision.~~

~~ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS~~

~~The Senate amendment established within the Executive Office of the President an Assistant and a Deputy Assistant to the President for National Security Affairs, who would be appointed by and with the advice and consent of the Senate.~~

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~~ADDITIONAL TRAVEL EXPENSES FOR STATE AND ICA EMPLOYEES'
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~~The Senate amendment provided for two, rather than one, annual round trips from the United States for dependents of the Department of State and International Communication Agency employees, who are obtaining an undergraduate college education, and whose parents are serving in a post overseas.~~

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~~UNITED STATES CITIZENS ABROAD~~

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any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

"(b) In order to maintain the levels of program activity provided for by the annual authorizing legislation for the Department of State, there are authorized to be appropriated for the Department such sums as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year.

"(c) Amounts authorized to be appropriated for a fiscal year for the Department of State or to the Secretary of State are authorized to be made available until expended.

"(d) Amounts authorized to be appropriated for the Department of State for a fiscal year for the 'Administration of Foreign Affairs' account, the 'International Organizations and Conferences' account, the 'International Commissions' account, or the 'Migration and Refugee Assistance' account may be appropriated for that fiscal year for any other such account, except that the total amount appropriated for a fiscal year for any such account may not exceed by more than 10 percent the amount specifically authorized to be appropriated for that account for that fiscal year."

(b) The amendment made by subsection (a) shall take effect on October 1, 1979.

EFFECTIVE DATE FOR CERTAIN PROMOTIONS OF FOREIGN SERVICE OFFICERS

SEC. 106. The promotion for each of 64 Foreign Service officers of classes 8 and 7 to the next higher class, as the case may be, for which the Senate gave its advice and consent on March 21, 1979, and which was attested to on March 22, 1979, shall be considered for all purposes to take effect on December 17, 1978. Any payments made in implementation of this section shall be from funds previously authorized and appropriated for the fiscal year 1979.

IMPROVEMENT IN FOREIGN NATIONAL PAY PLANS

SEC. 107. (a) It is the sense of the Congress that the Secretary of State should—

(1) improve coordination between the Department of State and the Department of Defense and other departments and agencies of the United States operating outside the United States with respect to foreign national pay systems and wage schedules to the extent that—

(A) joint wage surveys and compatible pay schedules are adopted in countries where two or more departments or agencies of the United States directly employ foreign nationals, and

(B) Department of Defense wage rates are included in wage surveys of the Department of State where the Department of Defense operates under indirect-hire arrangements;

(2) monitor the establishment of wage rates outside the United States more closely to insure that United States missions—

(A) operate under salary schedules that reflect private sector average pay or average pay ranges,

(B) include the cost of severance in making pay adjustments, and

(C) survey jobs in the private sector which represent as closely as possible the work force of the mission; and

(3) substitute, whenever possible, prevailing local retirement plans for civil service retirement with respect to the retirement of foreign nationals employed by the United States.

(b) Section 444(b) of the Foreign Service Act of 1946 (22 U.S.C. 889) is amended by inserting before the period at the end thereof the following: "and such regulations as the Secretary may prescribe".

UNITED STATES CONSULATES

Sec. 108. (a) The following United States consulates shall not be closed or, if closed on the date of enactment of this Act, shall be reopened as soon as possible after such date: Salzburg, Austria; Bremen, Germany; Nice, France; Turin, Italy; Goteborg, Sweden; Adana, Turkey; Tangier, Morocco; Mandalay, Burma; Brisbane, Australia; and Surabaya, Indonesia.

(b) Personnel assigned to the consulates described in subsection (a) shall not be counted toward any personnel ceiling for the Department of State established by the Director of the Office of Management and Budget.

NONIMMIGRANT VISAS

Sec. 109. Section 21 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2691), is amended—

(1) by inserting "(a)" immediately after "Sec. 21."; and

(2) by adding at the end thereof the following:

"(b) This section does not apply to representatives of purported labor organizations in countries where such organizations are in fact instruments of a totalitarian state.

"(c) This section does not apply with respect to any alien who is a member, officer, official, representative, or spokesman of the Palestine Liberation Organization.

"(d) The Secretary of State may refuse to recommend a waiver for aliens from signatory countries which are not in substantial compliance with the provisions of the Helsinki Final Act, particularly the human rights and humanitarian affairs provisions."

UNITED NATIONS TECHNICAL ASSISTANCE PROGRAMS

Sec. 110. Title I of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979 (Public Law 95-431; 92 Stat. 1021), is amended in the paragraph under the heading "Contributions to International Organizations" by striking out", of which no part may be made available for the furnishing of technical assistance by the United Nations or any of its specialized agencies".

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

SHORT TITLE

Sec. 201. This title may be cited as the "International Communication Agency Authorization Act, Fiscal Years 1980 and 1981".

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tute clarifies the Senate language relating to allocation of personnel positions in order to make clear that personnel assigned to these consulates shall not be counted toward any personnel ceiling for the Department of State established by the Office of Management and Budget.

PERSONNEL STUDY AND REPORTING REQUIREMENT

The Senate amendment required the Secretary of State to conduct a study of the personnel needs and resources of the Department of State and to submit the report to the Congress together with recommendations by January 1, 1980.

The House bill did not contain a comparable provision.

The conference substitute contains no provision on this issue.

IMPROVEMENT IN FOREIGN NATIONAL PAY PLANS

The Senate amendment expressed the sense of the Congress that the Secretary of State should implement, to the extent possible, the recommendations of the April 5, 1979 General Accounting Office report concerning improved coordination and greater uniformity in foreign national pay plans through regulations prescribed by the Secretary.

The House bill did not contain a comparable provision.

The conference substitute is identical to the Senate provision with an amendment to change "uniform" pay schedules to "compatible" pay schedules and to add an amendment to provide for the substitution of local retirement plans for Civil Service retirement "whenever possible."

LEASEHOLDS FOR RADIO TRANSMISSION FACILITIES

The House bill authorized ICA, among other things, to acquire leaseholds for our radio facilities for periods of 10 years or longer if provided for in an appropriation act.

The Senate amendment authorized the acquisition and operation of radio facilities, but did not specify the duration of the leases, and also eliminated the provision of existing law that leases of radio facilities may not be for periods longer than 10 years unless provided for in an appropriation act.

The conference substitute is identical to the House provision.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

The House bill changed the name of the Advisory Commission overseeing ICA to the U.S. Advisory Commission on Public Diplomacy and provided authority for the Commission to hire staff.

The Senate amendment did not contain a comparable provision.

The conference substitute is identical to the House provision.

TECHNICAL AMENDMENT

The House bill corrected a reference in section 108(a)(2) of the Mutual Educational and Cultural Exchange Act of 1961.

The Senate amendment did not contain a comparable provision.

The conference substitute is identical to the House provision.

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(7) the International Convention for the Regulation of Whaling, signed in 1946, as implemented by the International Whaling Commission, is not providing adequate protection to whales;

(8) the data-gathering structure established under the International Whaling Commission has not provided all the available data necessary for sound whale conservation;

(9) there is strong evidence that the members of the International Whaling Commission continue to import, in some instances in increasing amounts, whale products from countries not members of the Commission; and

(10) defects in the implementation of the International Convention for the Regulation of Whaling by the International Whaling Commission allow harvests of the declining whale species.

(b) The Congress urges—

(1) the International Whaling Commission to agree to a moratorium on the commercial killing of whales; and

(2) Brazil, Denmark, Iceland, Japan, Norway, the Soviet Union, and the Republic of Korea, as parties to the International Convention for the Regulation of Whaling and which still engage in commercial whaling, and Chile, the People's Republic of China, Peru, Portugal, the Democratic Republic of Korea, Spain, and Taiwan, as countries which are not parties to the Convention and which still engage in commercial whaling, to recognize and comply voluntarily with a moratorium on the commercial killing of whales, as endorsed by the United Nations Conference on the Human Environment and the United Nations Governing Council for Environment Programs.

PRIVATE SECTOR REPRESENTATIVES ON THE UNITED STATES DELEGATION TO THE WORLD ADMINISTRATIVE RADIO CONFERENCE

SEC. 406. The provisions of sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to a private sector representative on the United States Delegation to the World Administrative Radio Conference to be convened in Geneva on September 24, 1979, who is specifically designated to speak on behalf of or otherwise represent the interest of the United States at such Conference with respect to a particular matter, if the Secretary of State or his designee certifies that no Government employee on the delegation is as well qualified to represent United States interests with respect to such matter and that such designation serves the national interest. All of such representatives shall have on file with the Department of State the financial disclosure report required for special Government employees.

UNITED STATES CITIZENS ABROAD

SEC. 407. Subsection (a) (2) of section 611 of the Foreign Relations Authorization Act, Fiscal Year 1979, is amended to read as follows:

"(2) United States statutes and regulations should be designed so as not to create competitive disadvantage for individual American citizens living abroad or working in international markets."

(b) Subsection (b) of such section is amended—

(1) in the text preceding paragraph (1) by striking out "1979" and inserting in lieu thereof "1980";

(2) in paragraph (1) by striking out "discriminate against United States citizens living abroad" and inserting in lieu thereof "treat United States citizens living abroad differently from United States citizens residing within the United States, or which may cause, directly or indirectly, competitive disadvantage for Americans working abroad relative to the treatment by other major trading nations of the world of their nationals who are working outside their territory";

(3) in paragraph (3) by striking out "inequitable" and inserting in lieu thereof "competitively disadvantaging"; and

(4) in paragraph (3) by inserting "or working" immediately after "living".

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SANCTIONS AGAINST ZIMBABWE-RHODESIA

Sec. 408. (a) The Congress finds that—

(1) *it is in the interest of the United States to encourage the development of a multiracial democracy in Zimbabwe-Rhodesia based on both majority rule and minority rights;*

(2) *the elections held in April 1970, in which Zimbabwe-Rhodesians approved through elections the transfer of power to a black majority government, constituted a significant step toward multiracial democracy in Zimbabwe-Rhodesia;*

(3) *the Government of Zimbabwe-Rhodesia has expressed its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all relevant issues;*

(4) *it is in the foreign policy interest of the United States to further continuing progress toward genuine majority rule in Zimbabwe-Rhodesia and to encourage a peaceful resolution of the conflict; and*

(5) *the Government of Great Britain, which retains responsibility for Zimbabwe-Rhodesia under international law, has not yet taken steps to recognize the legality of the new government.*

(b) In view of these considerations, the President shall—

(1) *continue United States efforts to promote a speedy end to the Rhodesian conflict; and*

(2) *terminate sanctions against Zimbabwe-Rhodesia by November 15, 1979, unless the President determines it would not be in our national interest to do so and so reports to the Congress.*

If the President so reports to the Congress, then sanctions shall be terminated if the Congress, within 30 calendar days after receiving the report under paragraph (2), adopts a concurrent resolution stating in substance that it rejects the determination of the President. A concurrent resolution under the preceding sentence shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 and in the House of Representatives in accordance with the procedures applicable to the consideration of resolutions of disapproval under section 36(b) of the Arms Export Control Act.

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MORATORIUM ON THE COMMERCIAL KILLING OF WHALES

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The House bill did not contain a comparable provision.

The conference substitute is identical to the Senate provision.

ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS

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The conference substitute does not contain a provision on this issue.

The committee of conference is, however, deeply concerned about the role of the President's Assistant for National Security Affairs and the lack of his accountability to the Congress. The members of the conference committee believe it is essential that the Secretary of State be perceived clearly to be the principal officer other than the President with responsibility for formulation and implementation of foreign policy. The President clearly should have appropriate personal staff support in the White House to enable him to discharge his Constitutional responsibilities. Officers, however, who enunciate and shape U.S. foreign policy must be accountable to Congress. The committee of conference believes that a thorough review by both the Congress and the Executive of the function of the NSC structure and the specific role of the Assistant to the President for National Security Affairs is necessary and should be conducted in the near future.

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laws discriminating against U.S. citizens abroad. The Senate amendment would revise that provision to (1) change the required reporting date from January 20, 1979, to January 20, 1980, and (2) substitute the existing provision's policy statement with a statement that American statutes and regulations should be designed so as not to create competitive disadvantage for American citizens living abroad and working in international markets.

The House bill did not contain a comparable provision.

The conference substitute is similar to the Senate provision with an amendment to change "and" to "or" to make it clear that the report should include American citizens living abroad *or* working in international markets. It is the intent of the conferees that the word "citizens" not include corporations and other juridical entities.

PRIVATE SECTOR REPRESENTATIVES ON U.S. DELEGATION TO THE WORLD
ADMINISTRATIVE RADIO CONFERENCE

The Senate amendment exempted from certain conflict of interest provisions a private sector representative, who is specifically designated to speak on behalf of or represent the interest of the United States, on the U.S. Delegation to the World Administrative Radio Conference in Geneva beginning September 24, 1979. Such representatives would have to file with the Department of State the financial disclosure report required for special Government employees.

The House bill did not contain a comparable provision.

The conference substitute is the same as the Senate provision.

SANCTIONS ON ZIMBABWE-RHODESIA

The Senate amendment stated that no later than 14 days after the installation of a new government in Rhodesia or June 30, 1979, whichever was earlier, the President would submit to the Congress a report setting forth a determination with respect to section 27 of the International Security Assistance Act of 1978 together with his reasons for such a determination; and stated the findings of Congress with respect to section 27 of the International Security Assistance Act of 1978 that (1) the Government of Zimbabwe-Rhodesia had demonstrated its willingness to negotiate in good faith at an all parties conference, held under international auspices, on all relevant issues, and (2) Zimbabwe-Rhodesians had approved through free elections the transfer of power to a black majority government; and expressed the sense of the Congress that the President, within the time limits specified above, should determine that the requirements of that act have been met and should not enforce sanctions against Zimbabwe-Rhodesia.

The House bill did not contain a comparable provision.

The conference substitute incorporates the Senate provision with an amendment.

The committee of conference notes with approval the progress made in Zimbabwe-Rhodesia toward majority rule under the government installed as a result of the elections of April 1979. The committee expresses its hope that additional progress will be made toward the

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92 STAT. 989

of an International Alternate Energy Commission to encourage the worldwide use of alternate energy sources by assisting in the dissemination of information and by other appropriate means.

(c) Not later than January 20, 1980, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on actions taken pursuant to subsection (b).

Report to
Speaker of the
House and Senate
committee.

ATROCITIES IN CAMBODIA AND UGANDA

SEC. 610. (a) The Congress finds that reliable reports of events in Cambodia and Uganda attest to the existence of governmental practices in those countries of such systematic and extensive brutality as to require special notice and continuing condemnation by outside observers.

22 USC 2151
note.

(b) Recognizing the limited direct influence of the United States in Cambodia and Uganda, the Congress urges the President to move aggressively to support multilateral action by the United Nations and other international organizations, and to encourage bilateral action by countries having more extensive relations with Cambodia and Uganda, to bring an end to the brutal and inhumane practices of the governments of those two countries.

(c) Not later than January 20, 1979, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report describing fully and completely actions taken pursuant to subsection (b).

Report to
Speaker of the
House and Senate
committee.

(d) It is the sense of the Congress that the President should—

Uganda,
prohibitions.

(1) prohibit the export of military, paramilitary, and police equipment to Uganda;

(2) direct that the visa application of any official or employee of the Government of Uganda seeking to enter the United States for the purpose of military, paramilitary, or police training, may be approved by a consular officer only after the appropriate official of the Department of State in Washington has reviewed the application and has determined that the Government of Uganda has demonstrated a proper respect for the rule of law and for internationally recognized human rights; and

(3) instruct the Permanent Representative of the United States to the United Nations to submit to the Security Council of the United Nations for its consideration a resolution imposing a mandatory arms embargo on Uganda by all members of the United Nations.

EQUITABLE TREATMENT OF UNITED STATES CITIZENS LIVING ABROAD

SEC. 611. (a) The Congress finds that—

22 USC 1731
note.

(1) United States citizens living abroad should be provided fair and equitable treatment by the United States Government with regard to taxation, citizenship of progeny, veterans' benefits, voting rights, Social Security benefits, and other obligations, rights, and benefits; and

(2) such fair and equitable treatment would be facilitated by a periodic review of statutes and regulations affecting Americans living abroad.

92 STAT. 990

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Presidential report, transmittal to Speaker of the House, and Senate committee.

(b) Not later than January 20, 1979, the President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report which—
 (1) identifies all United States statutes and regulations which discriminate against United States citizens living abroad;
 (2) evaluates each such discriminatory practice; and
 (3) recommends legislation and any other remedial action the President finds appropriate to eliminate unfair or inequitable treatment of Americans living abroad.

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UNITED STATES-CANADIAN NEGOTIATIONS ON AIR QUALITY

42 USC 7415 note.

SEC. 612. (a) The Congress finds that—

- (1) the United States and Canada share a common environ-ment along a 5,500 mile border;
- (2) the United States and Canada are both becoming increas-ingly concerned about the effects of pollution, particularly that resulting from power generation facilities, since the facilities of each country affect the environment of the other;
- (3) the United States and Canada have subscribed to inter-national conventions; have joined in the environmental work of the United Nations, the Organization for Economic Cooperation and Development, and other international environmental forums; and have entered into and implemented effectively the provisions of the historic Boundary Waters Treaty of 1909; and
- (4) the United States and Canada have a tradition of coopera-tive resolution of issues of mutual concern which is nowhere more evident than in the environmental area.

Cooperative agreement.

(b) It is the sense of the Congress that the President should make every effort to negotiate a cooperative agreement with the Government of Canada aimed at preserving the mutual interest of the United States and Canada so as to protect and enhance air resources and insure the attainment and maintenance of air quality protective of public health and welfare.

(c) It is further the sense of the Congress that the President, through the Secretary of State working in concert with interested Federal agencies and the affected States, should take whatever diplomatic actions appear necessary to reduce or eliminate any undesirable impact upon the United States and Canada resulting from air pollution from any source.

Sec. 614. (a)
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CUBAN PRESENCE IN AFRICA

22 USC 2370 note.

SEC. 613. (a) The Congress finds that—

- (1) the President authorized the exchange of notes on May 30, 1977, between the Governments of the United States and Cuba which established an Interests Section for the United States in the Embassy of Switzerland in Havana and an Interests Section for Cuba in the Embassy of Czechoslovakia in Washington;
- (2) the President has the authority under the Export Admin-istration Act of 1969 to limit trade with Cuba being conducted by subsidiaries of American firms operating in third countries;
- (3) the President has the power to sever all diplomatic and eco-nomic relations with Cuba; and
- (4) there has been a sharp increase in the number of Cuban military personnel serving in Africa in the past year.

50 USC app. 2401 note.

TITLE

ANNUAL

Sec. 701. (a)
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economy of a host country would result. The President shall periodically report the results of this study to the Congress, with a preliminary report to be submitted no later than one hundred and twenty days after the date of enactment of this Act.

CERTAIN TRAVEL EXPENSES

SEC. 510. Section 5924(4)(B) of title 5, United States Code, is amended by striking out "one annual trip each way for each dependent of an employee of the Department of State or the United States Information Agency, or" and inserting in lieu thereof "(i) in the case of dependents travelling to obtain secondary education, one annual trip, or in the case of dependents travelling to obtain undergraduate college education, two annual trips, each way for each dependent of an employee of the Department of State, of the International Communication Agency, or of the Agency for International Development, or (ii)".

HUMAN RIGHTS

SEC. 511. Section 502B of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:
"(c) Notwithstanding any other provision of law, funds authorized to be appropriated under part I of this Act may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States."

SEC.
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INTERNATIONAL CONSIDERATION OF INDOCHINA REFUGEE PROBLEMS

The Senate amendment contained a sense of the Senate provision urging the President to call for an emergency session of the U.N. General Assembly or to use other appropriate fora to deal with the refugee crisis in Southeast Asia.

The House bill did not contain a similar provision, although the House previously had passed House Resolution 321, containing similar language in a sense of the House resolution.

In recognition of the recent Geneva conference on refugees called by the U.N. Secretary General, the committee of conference agreed to a sense of the Congress provision urging the President to continue to support the efforts of the Secretary General to use appropriate fora to deal with the refugee crisis in Southeast Asia.

DEPENDENTS' TRAVEL ALLOWANCE

The Senate amendment provided for travel expenses for up to two annual round trips to the United States of college student dependents of personnel of the Agency for International Development, the Department of State, or the International Communication Agency, stationed abroad.

The House bill did not contain a similar provision.

The conference substitute is the same as the Senate provision.

HUMAN RIGHTS WAIVER

The Senate amendment provided that notwithstanding any other provision of law, funds authorized under part I of the Foreign Assistance Act may be made available to any country the President finds has made significant improvement in its human rights record warranting lifting prohibitions in furnishing such assistance in the national interest of the United States.

The House bill did not contain a similar provision.

The conference substitute is the same as the Senate provision.

ECONOMIC SUPPORT FUND

The House bill included provisions for the Economic Support Fund in fiscal year 1980.

The Senate amendment did not contain ESF provisions. (The Senate included ESF provisions in security assistance legislation for fiscal year 1980).

The conference substitute is the same as the Senate position.

In agreeing that for fiscal year 1980, ESF will be in the security assistance rather than the economic assistance bill, the conferees decided that for fiscal year 1981, authorizations under amendments to the Foreign Assistance Act and to the Arms Export Control Act should be in one bill. The conferees therefore request the Executive branch, in its request to the Congress for fiscal year 1981, to submit draft legislation affecting the Foreign Assistance Act and the Arms Export Control Act in a single bill.

The decision of the conferees includes reaffirmation of Congress' intent that ESF accounts are designed to promote political and economic stability in areas where the United States has important eco-

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beginning of the fiscal year. The Community Staff is subject to a length ceiling of two full-time employees. Such personnel may be permanent employees of the Intelligence Community Staff or employees on detail from other elements of the United States Government. Any employee who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that an employee may be detailed on a nonreimbursable basis for a period of less than one year for performance of temporary functions as required by the Director of Central Intelligence.

(c) Except as provided in subsection (b) and until otherwise provided by law, the activities of the Intelligence Community Staff shall be governed by the Director of Central Intelligence in accordance with the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403j).

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for the fiscal year beginning October 1, 1979, the sum of

TITLE IV—TECHNICAL PROVISION

Sec. 401. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases authorized by law.

TITLE V—EDUCATIONAL BENEFITS OF CENTRAL INTELLIGENCE AGENCY AND NATIONAL SECURITY AGENCY EMPLOYEES SERVING OVERSEAS

Sec. 501. The first sentence of paragraph 5924(4)(B) of Title 5, United States Code, is amended by striking out "of the United States Information Agency," and inserting in lieu thereof the following: "the International Communications Agency, the Central Intelligence Agency, or the National Security Agency."

Mr. GOLDWATER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TENNESSEE VALLEY AUTHORITY DEBT INCREASE

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the considerations of S. 436, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (S. 436) to amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of debt which may be incurred by the Tennessee Valley Authority.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Time for debate on this bill is limited to 30 minutes, to be equally divided and controlled by the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Vermont (Mr. STAFFORD), 20 minutes on any amendment except an amendment by the Senator from Ken-

There is no time limitation, and 10 minutes on any debatable motion, appeal, or point of order.

Mr. ROBERT C. BYRD. Mr. President, I am about to suggest the absence of a quorum. I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on the amendment by Mr. Ford and an amendment thereto as follows: 4 hours on the amendment by Mr. Ford and 2 hours on any amendment thereto, the division and control of time to be in the usual form.

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—I ask the majority leader, with respect to the remainder of the time, whether on this measure it is 1 hour on the bill, equally divided.

Mr. ROBERT C. BYRD. I believe it is 30 minutes on the bill, and debate on any amendment shall be limited to 20 minutes.

Mr. BAKER. In view of the fact that we are providing 4 hours, or perhaps much longer, on one amendment, it might be well if we extended the time on the bill a little. Thirty minutes is fairly short. It would be 15 minutes to a side.

I see the distinguished Senator from Kentucky is in the Chamber, and if he has any objection to that, I will not press it.

Mr. FORD. Mr. President, reserving the right to object, the question from the minority leader is that he wants to extend the time on the bill itself?

Mr. BAKER. That is right.

Mr. FORD. I have no objection to that. I will not object. I think the Senator is going to be hard pressed to express his views in 15 minutes on the bill.

Mr. BAKER. I will not be hard pressed to express my views. I may be hard pressed to convince the Senator.

Mr. FORD. That is one and the same.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the bill be enlarged from 30 minutes, under the previous order, to a total of 1 hour. The total is now 30 minutes, under the previous agreement. It would be a total of 1 hour, to be equally divided in accordance with the usual form.

Mr. BAKER. On the bill.

Mr. ROBERT C. BYRD. On the bill.

Mr. BAKER. And there still would be 20 minutes on amendments to the bill.

Mr. ROBERT C. BYRD. Yes. And 4 hours on the amendment by Mr. Ford and 2 hours on any amendment thereto.

Is there objection?

Mr. RANDOLPH. Mr. President, I have listened to the colloquy, and I am in agreement.

For the record, I would like the Chair to state exactly the situation as we begin the discussion of this measure.

Mr. ROBERT C. BYRD. May we have an agreement as to the request?

The PRESIDING OFFICER. Without objection, the request is agreed to.

The bill would be considered under the following provisions: 1 hour on the bill, equally divided: 20 minutes on any amendment, with the exception of the amendment to be offered by the distinguished Senator from Kentucky, upon which there is to be a 4-hour limitation; and 2 hours on any amendment thereto, with 10 minutes on any debatable motion, appeal, or point of order which is submitted to the Senate. The agreement is in the usual form.

Mr. RANDOLPH. I thank the Presiding Officer. I wish to have the Record reflect the agreement which had been unanimously understood between the majority and minority leaders of this body.

I yield to myself such time as I may desire.

Mr. President, in 1933 Congress created the Tennessee Valley Authority. The reason for the action of Congress was to assist in the development of that region of the United States.

I am certain that what I now say is not significant, but it is historical fact. There is no Member of Congress serving today in either the House of Representatives or the Senate of the United States except myself who was here on Capitol Hill in 1933. I supported the creation of the Tennessee Valley Authority of the United States in May of that year, and I did so as a Representative from the Second District of West Virginia.

I remember, Mr. President, that there was the so-called threat of hydroelectric power involved in the issue. The mining industry—particularly those who actually mined the coal rather than those who were the owners and operators of the mines in the State of West Virginia and in other areas—felt that the Tennessee Valley Authority should not be created. They believed there was a threat to the production and use of coal in the United States if hydroelectric power was given a blessing by the creation of TVA.

Over the years this agency has grown in perspective and stature. It has become one of the largest, if not the largest, electric utilities in the Nation and, as the able Senator from Tennessee, who co-manages this bill with me today from the Committee on Environment and Public Works, knows, the Tennessee Valley Authority is one of the largest purchasers of coal. In the past year, under its new leadership, TVA has greatly increased its purchases of coal in my State. Contracts have been signed for more than \$500 million worth of West Virginia coal. Similar purchases are made elsewhere to supply TVA's generating plants.

What was feared in 1933 was that the Tennessee Valley would have hydroelec-

ADLAI E. STEVENSON, ILL.
WALTER D. HUDDLESTON, KY.
JOSEPH R. BIDEN, JR., DEL.
DANIEL PATRICK MOYNIHAN, N.Y.
DANIEL K. INOUE, HAWAII
HENRY M. JACKSON, WASH.
PATRICK J. LEAHY, VT.

JAKE GARN, UTAH
CHARLES MCC. MATHIAS, JR., MD.
JOHN H. CHAFEE, R.I.
MICHAEL D. BAKER, N.J.
DAVID DURENBERGER, MINN.

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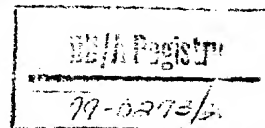
ROBERT C. BYRD, W. VA., EX OFFICIO
HOWARD H. BAKER, JR., TENN., EX OFFICIO

WILLIAM G. MILLER, STAFF DIRECTOR
EARL D. EISENHOWER, MINORITY STAFF DIRECTOR

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 408, 94TH CONGRESS)

WASHINGTON, D.C. 20510



July 2, 1979

PERS 77-4516

Admiral Stansfield Turner
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Admiral Turner:

Thank you for your note regarding the amendment to the Intelligence Authorization bill which provided educational travel benefits for the student dependents of CIA and NSA employees posted abroad. I shall strongly support the retention of this provision in the final Conference version of the Authorization bill.

I'd also like to thank you for publishing, in your "Notes from the Director," the comments of Senator Goldwater and myself regarding our genuine respect and admiration for the service that the intelligence community has given to the country. I was quite pleased that you communicated our gratitude to the men and women whose disciplined secret work has done so much to protect and preserve our democratic society.

Aloha,

Daniel K. Inouye

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LEGISLATIVE DEVELOPMENTS

FISCAL YEAR 1980 INTELLIGENCE AUTHORIZATION BILL -
H. R. 2827

We are continuing to discuss various matters related to the Bill with SSCI and HPSCI staff. Last week we gave HPSCI our latest draft language on a criminal penalty for the unauthorized disclosure of the identities of certain intelligence personnel. We anticipate a formal request from HPSCI to present our case for relief from the FOIA and on other Authorization Bill items at hearings next week. (U/IUO)

HPSCI staff, apparently after becoming aware of NSA plans to seek statutory authority to adopt senior executive service and merit pay principles paralleling those in the Civil Service Reform Act, last week asked for our reaction to a draft provision that would give both CIA and NSA this authority via the Authorization Bill. We responded that while the thought was appreciated, the proposal would call into question the sufficiency of our existing statutory authorities to accomplish the same result, impinge upon the DCI's discretion regarding the termination of CIA employees under Section 102(c) of the National Security Act, and unnecessarily limit our ability to adapt senior executive service and merit pay principles to our unique needs. (U/IUO)

The Office of Management and Budget, meanwhile, continues to deny official clearance for our death gratuity provision. The sole remaining issue is whether the benefit should apply only in cases of death due to hostile or terrorist action, or whether (as we have maintained) a somewhat broader standard (i.e., CIA affiliation as a material contributory cause of death or death resulting from hostile or terrorist action) should apply. OMB has been reluctant to make commitments in the absence of Associate Director Randy Jayne, who has discussed this issue with the DDCI. We anticipate that Jayne will be calling the DDCI again early this week. The standard we have proposed is narrower than the broad "performance of duty" standard applicable to the State Department's death gratuity. OMB argues that an effort is under way to get State to agree to accept the "hostile or terrorist" standard in connection with extension of the benefit to all U.S. employees overseas. (U/IUO)

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CLASSIFICATION AND COMPENSATION ACT OF 1979

We have forwarded another forceful letter to the Office of Management and Budget on the latest draft of this Administration proposal to reform the Federal pay system. We are insisting upon exemption from provisions that would give the Office of Personnel Management and a newly created "Compensation Agent" access to CIA information directly pertaining to intelligence sources and methods. My staff intends to follow up with a visit to OMB on the issue this week. (U/IUO)

ANTITERRORISM LEGISLATION - S. 333/H.R. 2441

We have negotiated with both the SSCI and HPSCI staff on amendments which would insure that classified reports forwarded to the Congress under the terms of the legislation are retained by our Oversight Committees. We will be meeting with staff from other relevant committees in order to explain the need for the amendments. (U/IUO)

TAIWAN ENABLING LEGISLATION

We expect the Conference Report to be issued by Wednesday. Floor consideration hopefully will be concluded late in the week, with White House signature following shortly thereafter. (U/IUO)

FOREIGN SERVICE RETIREMENT AMENDMENTS of 1979 - H. R. 2694

This bill contains the same provision previously introduced by Representative Claude D. Pepper (D., Fla.) as part of H.R. 632, the "Age Discrimination in Federal Employment Act of 1979," which contains, among other things, a provision amending Section 102(c) of the National Security Act so as to prohibit the DCI from terminating an Agency employee solely on the basis of age. Pepper apparently intends to seek legislative action on the narrower bill first. H.R. 2694 would apply only with respect to service since 22 February 1979, the date of the Supreme Court decision in Vance v. Bradley which upheld the constitutionality of the mandatory Foreign Service retirement at age sixty. Pepper's staff undoubtedly will realize eventually that an amendment to CIARDS will be necessary to actually affect mandatory retirement here. (U/IUO)